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★ JAN 23 2017 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PHYLLIS CARTER, on behalf of herself, individually,
and on behalf of all others similarly-situated,

Dkt. No.: 16-cv-06456 (JS)(SIL)

Plaintiff,

-against-

CABLEVISION SYSTEMS CORP., CSC HOLDINGS, LLC,
and NEPTUNE HOLDING US CORP d/b/a ALTICE USA,

Defendants.
-----X

~~PROPOSED~~ DISCOVERY PLAN AND SCHEDULING ORDER

Pursuant to this Court's January 3, 2017 Initial Conference Order (Dkt. No. 16), the Parties, through undersigned Counsel, respectfully submit the following Proposed Discovery Plan and Scheduling Order:

1. **Fed. R. Civ. P. 26(a) Initial Disclosures** by: February 6, 2017
2. **Proposed Orders**: Submission of any proposed confidentiality / protective orders or orders relating to electronically stored information pursuant to Fed.R.Civ.P. 26(f)(3)(C), by: February 6, 2017
3. **Discovery Requests**: Service of initial request for production of documents and interrogatories by: February 13, 2017
4. **Amendments**: Deadline for amendment of pleadings without leave of court, including joinder of additional parties (but not including any additional parties who may join as opt-in Plaintiffs by way of a Fair Labor Standards Act ("FLSA") § 216(b) collective action): April 7, 2017

5. **First Phase Discovery**: Deadline for first-phase fact discovery (with any written request for first phase discovery to be served no later than May 17, 2017), which shall be limited to paper discovery and deposition testimony on: (a) issues related to conditional certification of a FLSA § 216(b) collective action; and (b) Defendants' defenses to Plaintiff's individual claims:

June 16, 2017

6. **First Phase Motion Practice**: Deadline for Plaintiff to file her motion for conditional certification of FLSA § 216(b) collective action, and/or for Defendants to serve Plaintiff with initiating papers for any motion for summary judgment on Plaintiff's individual claims (pursuant to Judge Seybert's individual rules):

July 21, 2017

7. **Second Phase Discovery**: Should the court grant Plaintiffs' contemplated motion for conditional certification of a FLSA § 216(b) collective action, the Parties will engage in Second Phase discovery, which shall include issues relating to certification of a class pursuant to Fed.R.Civ.P. 23, expert discovery, and/or Defendants' motion to decertify Plaintiff's collective action. Second phase fact discovery shall commence twenty-one days following this Court's final decision on any motions listed in section five, above, and shall last for a period of ninety days. The parties will meet-and-confer during the twenty-one day period between the Court's decision on motions and the commencement of Second Phase discovery to discuss appropriate mechanisms and/or limitations for class discovery.

8. **Second Phase Motion Practice**: Plaintiff's motion for class certification / final certification of FLSA § 216(b) collective action, and/or summary judgment, and/or Defendants' motion to decertify the collective, shall be forty-five days following the close of second-phase discovery.

9. **Joint Pre-Trial Order**: Submission of Joint Pre-Trial Orders: thirty days following the Court's final ruling on any motions described in section eight, above.

This Proposed Discovery Plan and Scheduling Order may be altered or amended upon agreement of the Parties or with leave of Court.

Dated: January 19, 2017

Dated: January 19, 2017

Respectfully submitted,

By: /s/ Michael R. Minkoff
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SO ORDERED

Dated: Central, Islip, New York
January 23, 2017

/s/ Steven I. Locke

The Hon. Steven I. Locke, U.S.M.J.